



Patent
Attorney's Docket No. 030681-352

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)	MAIL STOP: AF
Byung-kyu Lee)	Group Art Unit: 1773
Application No.: 10/029,701)	Examiner: HOLLY C RICKMAN
Filed: December 31, 2001)	Confirmation No.: 3883
For: PERPENDICULAR MAGNETIC)	
RECORDING MEDIUM)	
)	
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)	

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Advisory Action dated December 22, 2004, Applicants respectfully request reconsideration of the above-captioned application.

In the Advisory Action, the Examiner asserts that the phrase "perpendicular orientation promoting" is a functional recitation, rather than structural, and therefore she is only required to establish that the prior art is capable of functioning in the claim capacity rather than actually functioning in the claim capacity. Hence, the undersigned understands the Examiner to be asserting that the prior art does not inherently meet the recitations, but rather she is invoking the body law dealing with intended use for functional language.

Applicants disagree in two respects. First, that phrase "perpendicular orientation promoting layer" is a descriptive phrase, rather than functional language in front of the word "layer." It is also a term recognized in the art.